

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EDDIE SOWELL SMITH,

Case No. 3:23-cv-00394-MMD-CSD

Petitioner,

ORDER

v.

CHILDERS, *et al.*,

Respondents.


Pro se Petitioner Eddie Sowell Smith has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1 ("Petition").) Smith has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* ("IFP"). Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs; (b) a financial certificate signed by the prisoner and an authorized prison official; and (c) a copy of the prisoner's account statement for the sixth-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. Smith has until September 29, 2023 to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

It is therefore ordered that the initial screening of Petitioner Eddie Sowell Smith's Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until such time as he has fully complied with this order.

1 It is further ordered that on or before September 29, 2023, Petitioner Eddie Sowell
2 Smith must file an IFP application that includes a: (a) financial certificate signed by Smith
3 and an authorized prison official; (b) financial declaration and acknowledgement signed
4 by Smith; and (c) copy of Smith's inmate account statement for the six-month period prior
5 to filing. Alternatively, Petitioner must pay the \$5 filing fee on or before September 29,
6 2023. If Smith decides to pay the filing fee from his inmate account, he must arrange to
7 have a copy of this order attached to the check for the filing fee. Smith's failure to timely
8 comply with this Order will result in the dismissal of the petition without prejudice and
9 without further advance notice.

10 It is further ordered that the Clerk of Court send Smith one blank copy of the IFP
11 application form for inmates along with instructions and two copies of this order.

12 DATED THIS 14th Day of August 2023.

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16 MIRANDA M. DU
17 CHIEF UNITED STATES DISTRICT JUDGE
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